

REMARKS

The Advisory Action mailed January 9, 2007 has been received and reviewed. All claims currently under consideration stand either objected to or rejected. All amendments and claim cancellations are made without prejudice or disclaimer. No new matter has been added. Reconsideration is respectfully requested.

A. Interview

Applicants thank the Examiners for the courtesy extended during the phone interview conducted on April 3, 2007. Applicants appreciate the Examiners' helpful comments. As indicated in the Interview Summary, the substance of the interview is substantially as follows:

"The Examiner suggested the following amendments:

1. In claim 1, add protein A20.
2. In claim 1, add activity that is characteristic to SEQ ID NO:9 as per parent patent to avoid written description rejection.
3. In claim 1, clarify the activity assay to include, for example, TNF-1 and IL-1 in gene reporter assay.
4. Cancel claims 5 and 6.
- 5 Clarify detection versus activity assay.
6. Include claims 9 and 18 in claim 1.
7. Update priority."

Applicants believes the foregoing description provided by the Examiner, taken with the comments contained with the remainder of this response, adequately sets forth the substance of the interview. *M.P.E.P.* § 713.04. If further comments are deemed necessary or helpful, the Office is kindly requested to contact applicants' undersigned attorney who will promptly provide any further detail desired.

B. Specification

Applicants have amended paragraph [0001] of the specification as discussed during the phone interview.

C. 35 U.S.C. § 112:

Applicants thank the Examiner for withdrawal of the prior 35 U.S.C. § 112, second paragraph, rejection.

Claims 4 through 6 stand rejected under 35 U.S.C. § 112, second paragraph, for being indefinite. Applicants have canceled claims 4 through 6, thereby mooting that rejection.

D. The Protein A20

Applicants submit that including protein A20 in the assay is an option, but not a necessity. Therefore, it is appropriate to have the protein A20 in a dependent claim. SEQ ID NO:9 is a consensus sequence of amino acids 475-495 of ABIN and amino acids 300-320 of ABIN2. The experiments in Examples 5 and 6 (paragraphs [0056]-[0061] and [0096]-[00102] and FIGS. 5-9) illustrate that ABIN fragments and ABIN2 fragments including SEQ ID NO:9 are able to inhibit NF-kB activation independent of the protein A20. The protein A20 was used as a control for many of the experiments. Experiments were also conducted where protein A20 and ABIN were tested together. The results depicted in FIG. 5 illustrate that individual suboptimal doses of protein A20 and of ABIN were not sufficient to inhibit NF-kB activation; however, the combination of these suboptimal doses does inhibit NF-kB activation. Thus, the protein A20 may be present in the claimed assay, but is not required.

E. Function of SEQ ID NO:9

Applicants submit that the function of SEQ ID NO:9 recited in the claims is similar to the function recited in claim 5 of the allowed parent application.

F. NF-kB Activation

Applicants submit that the claimed invention works with any means for inducing activation of the NF-kB pathway, wherein the means is inhibitable by said ABIN consensus sequence protein. (*See e.g.*, paragraph [00102]).

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Hopefully, the foregoing explanations resolve any remaining concerns regarding the claimed invention. If questions remain, the Office is kindly requested to contact applicants' attorney at the address or telephone number given herein.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'KAS', with a stylized flourish at the end.

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